

FILED

May 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0687

CITY OF KALISPELL,

Plaintiff and Appellee,

v.

HARLEY KERN,

Defendant and Appellant.

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*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**ORDER**

Upon consideration of Appellant's Motion to Voluntarily Dismiss Appeal,  
and good cause appearing therefore,

IT IS HEREBY ORDERED that Appellant's appeal in the above matter is  
hereby DISMISSED without prejudice.

DATED this 10<sup>th</sup> day of May, 2010.

  
CHIEF JUSTICE

ORDER